THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.1231 of 2000

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6th April 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22.09.2000 in W.P.NO.23834 OF 1999 on the file of the High Court.)

Between:

Purimitla Srinivalusu, S/o.Late Venkateswarlu,

...APPELLANT

AND

1. Government of Andhra Pradesh, rep.by Secretary to Government, Housing Development Department, A.P.Secretariat, Hyderabad.

And four others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.1231 OF 2000

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

The appellant is the unsuccessful writ petitioner, who seeks to assail the dismissal order dated 22.09.2000 in W.P.No.23834 of 1999 filed *inter alia* seeking a writ of mandamus declaring the action of the respondents in not considering his case for appointment in a suitable post under compassionate grounds.

The facts, which are not in dispute, are that the father of the appellant/writ petitioner died on 27.10.1998 while working as NMR with the respondents. Therefore, the respondents paid *ex gratia* to the appellant, which was duly accepted. Subsequently, the scheme for compassionate appointment came into force as per G.O.Ms.No.118 Fin. & Plg (Fin.Wing P.C.III) Dept. dated 18.08.1999 under which the appellant sought appointment. Since his request was rejected, he filed the Writ

Petition being W.P.No.23834 of 1999. The learned Single Judge, after taking into consideration the submissions made by the appellant, found that the said G.O. couldn't have any retrospective approach, as the appellant/writ petitioner has already accepted *ex gratia* amount and as such he cannot approach for any appointment under the Scheme, which came into force subsequently and dismissed the Writ Petition.

Having considered the submissions made on either side and on perusal of the material available on record, we are in entire agreement with the finding of the learned Single Judge. Admittedly, the Scheme has no retrospective aspect and the claim of the appellant is barred by the Principle of Estoppel since he has accepted *ex gratia* and therefore, he cannot request for compassionate appointment. Hence, we do not find any merits in the appeal.

Accordingly, the Writ Appeal is dismissed. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

6th April 2006

RRB

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